



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/582,225

06/08/2006

Kazuyuki Kashiwabara

2006-0907A

2854

52349

7590

10/14/2009

WENDEROTH, LIND & PONACK L.L.P.

1030 15th Street, N.W.

Suite 400 East

Washington, DC 20005-1503

EXAMINER

HERRERA, DIEGO D

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,225	<b>Applicant(s)</b> KASHIWABARA, KAZUYUKI	
	<b>Examiner</b> DIEGO HERRERA	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1-6, 10, and 12 have been amended.

### ***Claim Objections***

Claims 1, and 3-7 are objected to because of the following informalities: It is noted that the language used by applicant merely suggests or makes optional those features described as “operable to”; the manner of operating the device does not differentiate apparatus claim from the prior art. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds et al. (US 20030120500 A1), and in view of Demsky et al. (US 7107317 B2).**

Art Unit: 2617

**Regarding claim 1.** Deeds et al. discloses a communication terminal for communicating with a first communication terminal via telephone or electronic mail (abstract, title, ¶: 5-8, 18-20,24-34, Deeds et al. teaches mobile terminal sending information that has restriction or locking content to be delivered on another device), the communication terminal comprising:

a communication section operable to receive, from a first communication terminal, personal information including at least a telephone number or an electronic mail address of the first communication terminal (title, fig. 4a, abstract, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a reward, including contact information, and profile id; hence, a communication device receiving and displaying information from another device).

However, Deeds et al. does not discloses a presentation attribute that indicates whether a presentation of the personal information of the first communication terminal to a third party is permitted; nonetheless, Demsky et al. teaches displaying information allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or

Art Unit: 2617

viewer (abstract).

a personal information storage section operable to store the personal information and the presentation attribute acquired from the first communication terminal and received by the communication section (fig. 1-3b, abstract, title, ¶¶: 36-46, 49-55, Deeds et al.

teaches use of personal information storage means and presenting type);

However, Deeds et al. does not specifically disclose determining whether presentation of the stored personal information to the third party is permitted based on the

presentation attribute, nonetheless, Demsky et al. teaches displaying information

allowing or permitting users to view restricted data by means of data designator related

to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it

is permitted to view restricted information or content to be retrieved). Therefore, it would

have been obvious to a person of ordinary skill in the art at the time the invention was

made to specifically include by attribute presentation means indication of users

permission status, as taught by Demsky et al. for the purposes of, or motivation to,

control the dissemination of information of information keeping particular items private

relevant to their sensitivity of privacy or displayed to the correct group or viewers or

viewer (abstract).

a personal information presentation section operable to present (title, fig. 4a, abstract, ¶¶:

5-8, 18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a

reward, including contact information, and profile id), to the third party via the

communication section.

Art Unit: 2617

However, Deeds et al. does not disclose only personal information that has been determined by the personal information determination section to be permitted to be presented to the third party, the personal information having been acquired from the first communication terminal; nonetheless, Demsky et al. teaches displaying information, allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

**Regarding claim 10.** Deeds et al. discloses a method for placing restrictions on a disclosure of information employed by a communication terminal which communicates with a first communication terminal via telephone or electronic mail (abstract, title, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches mobile terminal sending information that has restriction or locking content to be delivered on another device), the method comprising the steps of:

receiving, from the first communication terminal, personal information including at least a telephone number or electronic mail address of the first communication terminal (title,

Art Unit: 2617

fig. 4a, abstract, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a reward, including contact information, and profile id).

However, Deeds et al. does not disclose only personal information that has been determined by the personal information determination section to be permitted to be presented to the third party, the personal information having been acquired from the first communication terminal; nonetheless, Demsky et al. teaches displaying information, allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

storing the received personal information and the presentation attribute acquired from the first communication terminal (¶: 43-44, Deeds et al. teaches storing means for personal information and suitable format);

However, Deeds et al. does not disclose only personal information that has been determined by the personal information determination section to be permitted to be presented to the third party, the personal information having been acquired from the first communication terminal; nonetheless, Demsky et al. teaches displaying information,

Art Unit: 2617

allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

presenting to the third party only personal information that has been determined in the determining step to be permitted to be presented to the third party (fig. 2-3b, abstract, title, ¶: 28-34, 43-46, Deeds et al. teaches forwarding information).

**Regarding claim 12.** Deeds et al. discloses a computer-readable recording medium having recorded thereon a program to be executed by a communication terminal that communicates with a first communication terminal via telephone or electronic mail (abstract, title, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches mobile terminal sending information that has restriction or locking content to be delivered on another device), the program causing a computer to execute a method comprising: receiving, from the first communication terminal, personal information including at least a telephone number or an electronic mail address of the first communication terminal (title, fig. 4a, abstract, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a reward, including contact information, and profile id).



Art Unit: 2617

However, Deeds et al. does not discloses only personal information that has been determined by the personal information determination section to be permitted to be presented to the third party, the personal information having been acquired from the first communication terminal; nonetheless, Demsky et al. teaches displaying information, allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

storing the received personal information and the presentation attribute acquired from the first communication terminal(¶: 43-44, Deeds et al. teaches storing means for personal information and suitable format);

However, Deeds et al. does not discloses only personal information that has been determined by the personal information determination section to be permitted to be presented to the third party, the personal information having been acquired from the first communication terminal; nonetheless, Demsky et al. teaches displaying information, allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it

Art Unit: 2617

is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

presenting, to the third party, only personal information that has been determined in the determining step to be permitted to be presented to the third party (fig. 2-3b, abstract, title, ¶¶: 28-34, 43-46, Deeds et al. teaches forwarding information).

**Consider claim 2.** The communication terminal according to claim 1, wherein the personal information determination section allows a display section included in the communication terminal to display the telephone number or the electronic mail address acquired from the first communication terminal (col. 6 lines: 53—col. 7 lines: 5, 42-50, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved by content rules to the content of the data items), the personal information determination section allowing the displaying section to display the telephone number or the electronic email address only when the presentation attribute indicates that the presentation is permitted (col. 6 lines: 53—col. 7 lines: 5, 42-50, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved by content rules to the content of the data items).

**Consider claim 3.** The communication terminal according to claim 1, wherein, the

Art Unit: 2617

personal information storage section is further operable to store a presentation attribute of own personal information that has been passed to another communication terminal (fig. 1-3b, abstract, title, Deeds et al. teaches information being displayed and personalized (i.e. mom, nick) and settings have been locked-in and set for a predetermined timed of use), and when the personal information of the first communication terminal is displayed, the presentation attribute of the own personal information that has been passed to the first communication terminal is displayed together (fig. 1-3b, abstract, title, Deeds et al. teaches information being displayed and personalized (i.e. mom, nick) and settings have been locked-in and set for a predetermined timed of use and forward indicator is shown) with the personal information of the first communication terminal.

**Consider claim 4.** The communication terminal according to claim 3, wherein, the own personal information includes an expiration time of the own personal information (§: 5-8, Deeds et al. teaches expiry time or period of time for information to be used or unlocked), and the communication terminal further comprises a personal information update section operable to (i) check whether the expiration time of the own personal information that has been passed to the first communication terminal has expired (title, abstract, fig. 4a, §: 49-55, Deeds et al. teaches receiving information about restrictions and expiry period and lock information or content that has restriction parameters), and (ii) notify a user of the communication terminal that the expiration time of the own personal information that has been passed to the first communication terminal has expired (title, abstract, fig. 4a, §: 49-55, Deeds et al. teaches receiving information

Art Unit: 2617

about restrictions and expiry period and lock information or content that has restriction parameters).

**Consider claim 5.** The communication terminal according to claim 1, wherein, the personal information acquired from the first communication terminal includes an expiration time of the personal information (title, fig. 4a, abstract, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a reward, including contact information, and profile id), and the communication terminal further comprises a personal information update section operable to place restrictions on placing a telephone call or transmitting an electronic mail by using the personal information acquired from the first communication terminal if the expiration time of the personal information has expired (title, abstract, fig. 4a, ¶: 49-55, Deeds et al. teaches receiving information about restrictions and expiry period and lock information or content that has restriction parameters).

**Consider claim 6.** The communication terminal according to claim 5, wherein the personal information update section is operable to notify a user of the communication terminal that the expiration time of the personal information acquired from the first communication terminal has expired and resulted in restrictions being placed on the personal information (title, abstract, fig. 4a, ¶: 49-55, Deeds et al. teaches receiving information about restrictions and expiry period and lock information or content, hence, when the expiry is met the receiving party will know that the message locked has expired and first restriction to the message is placed).

**Consider claim 7.** The communication terminal according to claim 5, wherein the

personal information update section is operable to delete (col. 2 lines: 20-24, 63--col. 3 lines: 5, Demsky et al. teaches dynamic interaction between two different classes of user, hence, it is assumed that deletion or rearrangement of class association of user would change and therefore also the information displayed before them hence the deletion of messages or information), from the personal information storage section, personal information whose expiration time has expired (title, abstract, fig. 4a, ¶: 49-55, Deeds et al. teaches receiving information about restrictions and expiry period and lock information or content, hence, when the expiry is met the receiving party will know that the message locked has expired and first restriction to the message is placed).

**Consider claim 9.** The communication terminal according to claim 1, wherein the communication section transmits or receives the personal information and the presentation attribute by utilizing a radio communication network through which a telephone conversation is carried out or an electronic mail is transmitted or received (fig. 3, col. 5 lines: 61—col. 6 lines: 21, Demsky et al. teaches wireless communication network wherein the restricted information and data is sent and received by first mobile terminals granted permission by users input to restrict certain information as can be seen).

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds et al. (US 20030120500 A1), Demsky et al. (US 7107317 B2), and in view of Emerson, III (US 20030043974 A1).**

**Consider claim 8.** The communication terminal according to claim 1, However, the combination of Deeds et al. and Demsky et al. do not disclose wherein the

Art Unit: 2617

communication section transmits or receives the personal information and the presentation attribute by utilizing short-distance radio communication, without employing a radio communication network through which a telephone conversation is carried out or an electronic mail is transmitted or received, however, Emerson teaches short range communication via Bluetooth (¶: 46, Emerson teaches Bluetooth capabilities to transmit identity or contact personal information, hence, short-distance radio communication bypassing radio communication network). One skilled in the art would be motivated to use Bluetooth and first means of short-range communication means in order to have a more efficient and better use of network resources.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/  
Examiner, Art Unit 2617

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617